

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALAN QUINN LUCAS,
TDCJ-ID NO.644056,
Petitioner,

V.

DOUG DRETKE, Director,
Texas Department of Criminal
Justice, Correctional Institutions Division,
Respondent.

§ § § § §

CIVIL ACTION NO. H-05-1206

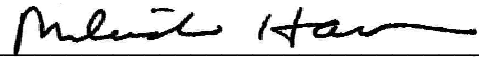
ORDER OF DISMISSAL

Petitioner Alan Quinn Lucas, a state inmate, seeks habeas corpus relief under 28 U.S.C. § 2254. Petitioner reports that on December 4, 1992, he was convicted of undisclosed offenses in cause numbers 530195 and 530196 in the 183rd District Court of Harris County, Texas and sentenced to prison for “too long.” (Docket Entry No.1). Petitioner contends that he is entitled to habeas relief because he is innocent. (*Id.*).

Petitioner's petition is duplicative of the one that he filed in *Lucas v. Dretke*, Civil Action No.H:05cv701 (S.D. Tex. Mar. 7, 2005). The Court dismissed Civil Action No.H:05cv701 without prejudice because the petition was successive and petitioner had not shown that he had received any authorization from the United States Court of Appeals for the Fifth Circuit to file a successive petition, as required by 28 U.S.C. § 2244(b)(3)(A). *Id.* Because the pending petition is duplicative, it suffers from the same infirmities as the one filed in Civil Action No.H:05cv701; therefore, it will be dismissed for the reasons stated in the Memorandum and Order on Dismissal, entered March 7, 2005, in Civil Action No.H:05cv701.

Accordingly, the petition is DISMISSED without prejudice to refiling if petitioner shows proper authorization from the Fifth Circuit. A certificate of appealability is DENIED.

SIGNED at Houston, Texas, this 7th day of June, 2005.

A handwritten signature in black ink, appearing to read "Melinda Harmon", written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE